

Walter O'Cheskey
Chapter 13 Trustee
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MTCO MORTCLMOBJ

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:
ALFONSO ORTIZ
MARIA ORTIZ

CASE NO: 09-70526-HDH-13
DATE: January 25, 2010
HEARING DATE: FEBRUARY 17, 2010 AT 11:00 AM

**TRUSTEE'S OBJECTION TO THE CLAIM OF CITIFINANCIAL INC (CLERK'S CLAIM NO. 14)
SECURED BY A LIEN ON DEBTOR(S) RESIDENCE AND TO BE PAID BY THE TRUSTEE**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and filed this Trustee's Objection to the claim of CITIFINANCIAL INC (Clerk's Claim No. 14) Secured by a Lien on Debtor(s) Residence and to be Paid by the Trustee on the above referenced Chapter 13 case, and would respectfully show the Court the following:

1. Debtor(s) filed for relief on October 13, 2009.
2. Debtor(s) scheduled a claim secured by a lien on debtor(s) residence. Debtor(s) plan provides for payment of all, or a portion of said claim, through the plan and by the Trustee.
3. Claimant CITIFINANCIAL INC, filed its proof of claim (clerk's claim no. 14) on 12-18-2009.
4. Trustee objects to said claim for on or more of the following grounds (as indicated by X):
 - ☐ Documents Supporting a perfected security agreement were not attached to the proof of claim or were deficient in the following particulars:
 - ☐ No documents were attached,
 - ☐ Attached documents were illegible,
 - ☒ Attached documents did not evidence perfection (i.e. Clerk's filing notation),
 - ☐ Attached documents fail to show claimant is the holder of the note and indebtedness.
 - ☐ Failure to provide an itemization of all pre-petition fees, costs and/or other charges included in the claim.
 - ☐ The claim includes flat fees for review of the Chapter 13 Plan preparation of the proof of claim that are unreasonable and/or do not fairly reflect the work or services involved.
 - ☐ Other:

WHEREFORE, the Trustee prays that the Bankruptcy Court Disallow said claim and for such other relief to which this bankruptcy estate may be justly entitled.

Respectfully submitted,

Date: January 25, 2010

/S/ Walter O'Cheskey
Walter O'Cheskey, Chapter 13 Trustee

A HEARING WILL BE HELD FEBRUARY 17, 2010 AT 11:00 AM AT THE FOLLOWING ADDRESS:

FOR LIVE COURT
US COURTHOUSE ROOM 222
10TH & LAMAR STREETS
WICHITA FALLS, TEXAS 763011234

FOR VIDEO COURT
US COURTHOUSE ROOM 208
10TH & LAMAR STREETS
WICHITA FALLS, TEXAS 763011234

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Claim and Notice of Hearing were this date served on the following parties at the addresses listed below by either electronic service or by U.S. First Class Mail:

Dated: January 25, 2010

/s/ Walter OCheskey
Office of Walter O'Cheskey, Chapter 13 Trustee

DEBTOR ATTORNEY
MONTE J WHITE
ATTORNEY AT LAW
1106 BROOK AVE HAMILTON PLACE
WICHITA FALLS TX 76301-0000

UNITED STATES TRUSTEE
WILLIAM T. NEARY
1100 COMMERCE STREET RM 9C60
DALLAS TX 75242

DEBTOR1
ALFONSO ORTIZ
1204 W 4TH ST
QUANAH TX 79252

DEBTOR 2
MARIA ORTIZ
1204 W 4TH ST
QUANAH TX 79252

CITIFINANCIAL INC
PO BOX 70919
CHARLOTTE NC 28272-